

Quick Look:

This document includes:

Background Information,
Terms to Understand,
Frequently Asked
Questions and Resources
regarding the Student
Success Act proposed by
the [House K-20
Competitiveness
Subcommittee](#) chaired by
[Representative Erik Fresen](#)

Updated Resources:

[Student Success Act](#)

[Governor Scott Signs
Student Success Act](#)

[Governor Scott
Announces Passage of
Student Success Act](#)

OPI Pulse: Education Personnel Senate Bill 736

Update:

House Bill 7019 relating to Student Success and Teacher Quality was introduced by the House K-20 Competitiveness Subcommittee on February 24, 2011. The House subsequently took up the Senate companion bill related to Student Success and Teacher Quality on March 11, 2011. Committee Substitute for Committee Substitute for Senate Bill 736 passed the Florida House on March 16, 2011, with a vote of 80 to 39. Governor Rick Scott signed the Student Success and Teacher Quality bill into law on March 24, 2011.

Background:

Florida law currently outlines the general requirements for teacher and school administrator contracts, compensation, and performance evaluation. Each of Florida's 67 school districts and numerous charter schools presently evaluate their teachers and administrators using their own criteria. Local compensation decisions also differ from school district to school district depending on locally adopted salary schedules negotiated by district staff and local union representatives.

Issue at a Glance:

Proponents of reforming Florida's current instructional personnel and school administrator evaluation systems reference the issues below as reasons for proposed reforms:

- Since 1999, Florida law has required that instructional personnel and school administrator performance evaluations be based primarily on student achievement; however, "primarily" is not defined.
- Current evaluation systems fail to adequately distinguish between effective teachers and leaders and ineffective teachers and leaders. According to 2008-09 data collected by the Florida Department of Education, 99.7 percent of Florida's classroom teachers received "satisfactory" performance evaluations.
- Across the state, instructional personnel compensation is based largely upon seniority and educational degree level, rather than performance on annual evaluations.
- Current law does not require that performance be considered in making employee contracting, transfer, or promotion decisions.
- Employee performance is not required to be considered when making workforce reductions. Typically, school districts utilize a system whereby the employee that is last hired, is the employee that is first fired.

What the Bill Does:

Performance Evaluations

The bill aligns existing law regarding educator performance evaluations with the reforms being implemented through Florida's \$700 million Race to the Top grant. The bill requires that evaluations:

- Be at least 50 percent based upon student learning growth as demonstrated on statewide assessments, or for subjects and grades not

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Terms to Understand:

Instructional personnel:

- Classroom teachers, excluding substitutes
- Student services personnel
- Librarians and media specialists
- Other instructional personnel, such as learning resource specialists

School administrators:

- School principals
- School directors
- Career center directors
- Assistant principals

Current teacher evaluation ratings:

- Not standardized in law.
- Districts determine how many levels are used and terminology used to describe them.

tested on statewide assessments, district-selected assessments. District-selected assessments must be in place by the 2014-2015 school year;

- Differentiate among four performance levels: highly effective; effective; needs improvement, or for certain employees, developing; and unsatisfactory;
- Use formulas approved by the Commissioner of Education to measure student learning growth. These formulas will compare the student's prior academic performance with learning achieved in the year assigned to the teacher. Other factors which may influence student learning, such as disability, attendance, and English proficiency, must be considered in developing student learning growth formulas. The student learning growth portion of the evaluation must include growth data for students assigned to the educator over the course of at least three years;
- Be considered in decisions regarding the retention, transfer, and promotion of teachers. Workforce reductions must prioritize the retention of higher-performing employees over lower-performing employees and may not be based upon seniority; and
- School districts to annually report to a parent the fact that his or her child has been assigned to a classroom teacher or school administrator having two consecutive "unsatisfactory" performance evaluations, two "unsatisfactory" evaluations within a three-year period, or three consecutive evaluations of "needs improvement" or a combination of "needs improvement" and "unsatisfactory."

The bill requires the Commissioner of Education to approve a student learning growth formula by June 1, 2011, for subjects tested on the FCAT. Formulas for statewide standardized end-of-course assessments must be adopted as the assessments are implemented.

Educator Compensation

The bill establishes requirements for the implementation of performance-based compensation systems in accordance with the state's Race to the Top grant, as follows:

- By July 1, 2014, school districts must adopt a 'performance' salary schedule for instructional personnel and school administrators;
- Increases to base salary must be based upon "effective" or "highly effective" performance, rather than seniority or advanced degrees;
- Salary supplements, if provided, may be awarded to employees assigned to Title I or chronically low-performing schools, certified and teaching in a critical shortage area, or assigned additional academic responsibilities;
- Employees on annual contract as of July 1, 2014, and those hired thereafter will be placed on the performance salary schedule; and
- Professional service contract employees may remain on their current salary schedule or may opt into the performance salary schedule; however, employees who opt in must relinquish their professional service contracts for an annual contract.

Contracts

The bill revises requirements regarding contracts for instructional personnel, as follows:

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Quick Facts:

2,643,396: # of students in Florida public schools

169,540: # of Florida public school teachers

\$46,708: Average Florida public school teacher salary

\$45,700: Highest paying starting salary for Florida teachers

\$30,000: Lowest paying starting salary for Florida teachers

11,280: # of Florida school administrators

**Source: Florida Department of Education*

- Effective July 1, 2011, new professional service contracts may not be issued to instructional personnel.
- Newly hired instructional personnel and instructional personnel who have not yet received a professional service contract may only be issued annual contracts. The first annual contract for newly hired instructional personnel is a one-year probationary contract, which may be terminated without cause or the employee may resign without breach of contract.
- Employees who have professional service contracts may keep them as long as they remain employed in their current school district and continue to be compensated under their current salary schedule. The bill does not force current professional service contract employees to relinquish their contract status.
- Existing professional service contracts shall be renewed unless the employee is charged with unsatisfactory performance or the employees receive two consecutive "unsatisfactory" performance evaluations, two "unsatisfactory" evaluations within a three-year period, or three consecutive evaluations of "needs improvement" or a combination of "needs improvement" and "unsatisfactory";
- Having two consecutive "unsatisfactory" performance evaluations, two "unsatisfactory" evaluations within a three-year period, or three consecutive evaluations of "needs improvement" or a combination of "needs improvement" and "unsatisfactory" will disqualify instructional personnel from receiving additional annual contracts and is added as a just cause reason for terminating or not renewing a professional service contract.

Frequently Asked Questions: Student Success and Teacher Quality

Why do Legislators tell local school districts how to evaluate, hire, and compensate their teachers?

The law requires that the Florida Legislature allocate funding to local school districts for operations. Among other things, operations funding is used to pay school teachers and administrators.

How are teachers currently evaluated in Florida?

Florida law requires that each Florida teacher and principal be evaluated once annually. Each school district determines its own performance evaluation system based upon factors required in statute. Many performance evaluation design components are established through local collective bargaining. Presently, there is significant variation among Florida's school districts as to the structure of their evaluation systems.

What will be the performance levels on teacher evaluations?

The bill requires performance evaluation systems to differentiate among four levels of performance: "Unsatisfactory," "Needs Improvement" (or for instructional personnel in their first three years of employment who need improvement, "Developing", "Effective," and "Highly Effective."

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Florida Race to the Top Resources:

[Florida Race to the
Top Website](#)

[Florida Race to the
Top Implementation
Committees](#)

[Florida Race to the
Top Procurements for
Services](#)

[Florida Race to the
Top Vendor
Information](#)

Why does the bill require newly hired teachers to be evaluated at least twice in their first year?

This requirement was designed to enable school districts to identify and provide additional support to first year teachers who might need it. This requirement also applies to veteran teachers who are newly employed by a Florida school district.

Why do school districts have to report performance evaluation ratings to the Florida Department of Education?

The bill requires the Department of Education to annually report evaluation ratings, as provided by Florida's school districts, to the Governor and Legislature. These reports must address district implementation of evaluation systems and any changes made to them. The Department of Education is also responsible for posting evaluation rating percentages on its website by school district and school.

How does the salary adjustment work for teachers who earn a rating of "effective" or "highly effective?"

Adjustments become part of the employee's permanent base salary and are also considered compensation under the Florida Retirement System. The salary adjustment for "highly effective" performance must be greater than the highest annual salary adjustment available to the employee through any other salary schedule adopted by the school district. The salary adjustment for "effective" performance must be between 50 and 75 percent of the adjustment provided to a highly effective employee.

For the purpose of salary supplements, which schools are considered Title I schools or low-performing schools?

For more than 40 years, through Title I of the federal Elementary and Secondary Education Act of 1965, the U.S. Congress has authorized federal grants to states and school districts to improve educational opportunities for economically disadvantaged students. Typically, a Title I school is an urban or rural school serving a high proportion of economically disadvantaged students.

Low-performing schools are schools which have received a school grade of "F" in the most recent school year and in 4 of the last 6 years, or a grade of "D" or "F" in the most recent school year, and meet at least three of the following criteria:

- The percentage of students who are not proficient in reading has increased when compared to measurements taken 5 years previously;
- The percentage of students who are not proficient in mathematics has increased when compared to measurements taken 5 years previously;
- At least 65 percent of the school's students are not proficient in reading;
or
- At least 65 percent of the school's students are not proficient in mathematics.

For the purpose of salary supplements, what is a critical teacher shortage area?

The bill has redefined critical teacher shortage areas as high-need content areas or high-priority location areas. High-need content areas include subject areas in which teachers are in short supply, such as math, science, reading, and exceptional student education. High-priority location areas are geographic areas with low socio-economic status and/or historically low performing schools. This allows the State Board of Education to adopt critical teacher shortage areas that are targeted to schools and subject areas which qualify for salary supplements.

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Federal Race to the Top Resources:

[Federal Race to the Top
Website](#)

[Federal Race to the Top
Assessment Program](#)

School districts may also identify and submit other critical teacher shortage areas that are aligned to current and emerging educational requirements and workforce demands.

Can advanced degrees be used in determining a teacher's salary?

Yes. However, for instructional personnel and school administrators hired on or after July 1, 2011, the bill prohibits the use of advanced degrees in setting *base* salary; but a salary supplement may be given for an advanced degree held in the individual's area of certification. Proponents of the bill state this change is based upon research showing that an advanced degree alone has little bearing on student achievement.

Do Florida teachers on professional service contracts have "tenure" or not?

A professional service contract was granted to instructional personnel who completed a period of probationary employment on annual contracts. Upon completion of this period and the awarding of a professional service contract, state law entitled these employees to automatic annual contract renewal specifying they may only be dismissed for specific reasons after statutorily required due process. Because of this automatic contract renewal, a professional service contract was often referred to as "tenure." As of July 1, 2011, no professional service contracts may be awarded.

Does the bill take "tenure" away from teachers who already have it?

No. Employees who have professional service contracts may keep them as long as they remain employed in their current school district and continue to be compensated under their current salary schedule.

If a professional service contract teacher opts to move to the performance salary schedule, why does he or she have to relinquish his or her current professional service contract for an annual contract?

Proponents of the bill assert being eligible for performance-based pay (available July 1, 2014) should require that the employee be held accountable by performance-based contracting.

Under the bill, will teacher certifications and re-certifications be impacted by a teacher's evaluations?

No. The bill does not link certification or re-certification to performance evaluations.

Why does the bill abolish "last hired, first fired?" Shouldn't teachers with seniority keep their jobs?

Proponents of the bill believe abolishing "last hired, first fired," will increase the likelihood that the highest performing teachers will be retained. The bill requires districts to release employees with the lowest performance evaluation ratings before releasing higher-rated employees. Districts are explicitly restricted from prioritizing seniority over performance when making retention and reduction decisions.

What is the Race to the Top grant?

The Race to the Top grant is a \$700 million federal grant that was awarded to Florida in August 2010. Grant funds will be used to implement reforms related to teacher effectiveness, struggling schools, academic standards and assessments, and education data systems. Half of the grant money will fund the Department of Education's activities under the grant. The other half is being provided to

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participating school districts and schools to fund their activities under the grant. Sixty-two of Florida's 67 school districts, 224 charter schools in 29 districts, and three university lab schools are participating in the grant.

If a teacher moves to another county in Florida, will that teacher lose his or her professional service contract?

Yes. Districts may not award professional service contracts beginning July 1, 2011. Professional service and continuing contract teachers who change school districts or return from a break in service for which authorized leave was not granted will lose their contract and may only be employed on annual contracts.

Will teachers with advanced degrees lose their salary supplements?

The law specifies that advanced degrees may not be used to set base salary on any salary schedule. If the degree is in the teacher's area of certification, a salary supplement may be provided. Districts are also permitted to provide cost-of-living adjustments if funding is available.

What is the main difference between the performance salary schedule and the grandfathered salary schedule?

The main difference between the performance salary schedule and the grandfathered salary schedule are the factors used to negotiate compensation. Currently, teacher salary schedules are negotiated based upon factors such as years of service and advanced degrees. Teachers receive automatic annual salary increases based upon these factors. The bill refers to this salary schedule as the "grandfathered" salary schedule. This is because continuing and professional service contract employees are grandfathered into this salary schedule with the option to move to the performance salary schedule, if certain requirements are met.

The bill sets new parameters for negotiating compensation. By July 1, 2014, school districts must adopt a performance salary schedule which awards salary adjustments based upon effective or highly effective performance on annual evaluations. Salary supplements, if provided, must reward teachers who teach in challenging schools and subject areas. Employees on annual contract as of July 1, 2014, and those hired thereafter will be placed on the performance salary schedule. Employees hired before July 1, 2014, may choose whether they prefer to remain on the grandfathered salary schedule or switch to the performance salary schedule.

[Click here](#) to see additional resources such as the full bill text and analyses available on MyFloridaHouse.gov.

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